The Board convened workshop at 1:01 p.m.

**Attendance:** Board members: Patricia Preiner, Steve Wagamon, Barbara Haake, Mike Bradley, and John Waller.

**Staff:** Administrator Phil Belfiori; Public Drainage Inspector Tom Schmidt (portion of meeting); Water Resource Specialist Kyle Axtell (portion of meeting); Communications & Outreach Coordinator Beth Carreño (portion of meeting); Permit Coordinator/Wetland Specialist Nick Tomczik (portion of meeting); District Technician Lauren Sampedro, Technical Assistant Ashlee Ricci.

**Consultants:** District Engineers Chris Otterness and Garrett Monson (portion of meeting)-Houston Engineering (HEI); Drainage Attorney John Kolb-Rinke Noonan (portion of meeting); District Attorney Chuck Holtman-Smith Partners (portion of meeting).

**Visitors:** None.

Administrator Phil Belfiori requested the addition of a PRAP communication update to the agenda after the MAWD Resolution Communication Plan Discussion.

**Presentation/Discussion on Draft Anoka-Washington Judicial Ditch 3 Repair Report**

District Engineer Garrett Monson provided a presentation to the Board outlining the draft Anoka-Washington Judicial Ditch 3 Repair Report. He discussed the general location of the proposed repair, the purpose of the repair report, and an overview of the current observed conditions of the Anoka-Washington Judicial Ditch 3 system. Engineer Monson and Public Drainage Inspector Tom Schmidt discussed the presence of several encroachments on the ditch system that will require a few steps prior to a public hearing to attempt to inform the property owners of the project. Engineer Monson provided a recommendation to conduct the repair in two phases and discussed the effects of the proposed repair and preliminary costs of the repair project. Manager Bradley noted that the last sentence on page 33 of the packet should say: “Therefore, repairs to the public drainage system will not impact these wetlands” to be consistent with HEI’s findings. Staff agreed, and Engineer Monson recommended continued coordination with the MN DNR. The Board discussed the importance of coordination with the City of Hugo before this repair project occurs. Administrator Belfiori asked the Board if the proposed public information meeting on December 10th should be delayed to ensure the City is informed on the project prior to the public meeting. Board by consensus agreed Staff need to have discussions with the City of Hugo, before holding the public information meeting. Drainage Attorney John Kolb discussed revisions to the resolution that include coordination with the City. Attorney Kolb recommended adding clarification in the Watershed Management Plan (WMP) to address comprehensive ditch system repair.
Manager Haake expressed concerns on including branches in the use of ad valorem funds for repair projects. Staff and the Board discussed the “trunk system” language included in the approved District’s 2010 WMP. Manager Haake would like to see the WMP amended to clearly state what funds are being used for related to public drainage system repairs. Administrator Belfiori mentioned the WMP strategic direction process and how this discussion will be important for that process. The Board thoroughly discussed how ad valorem funding is used for drainage ditch repairs and how they would like the future WMP revised to add clarity. Manager Bradley mentioned drainage system repair and maintenance charges to property owners need to be done consistently and fairly.

The Board directed Staff to first work with the City of Hugo, then begin scheduling a public information meeting in the first quarter of 2019. The Board agreed for Staff to bring the revised resolution to the 11/14 Board Meeting for consideration.

**Discussion on Response Regarding Washington Judicial Ditch 2 Branches 1 & 2 Repair**
Administrator Belfiori reviewed a letter the District received from the MN DNR regarding the proposed Judicial Ditch 2 Branches 1 & 2 Repair and a proposed response letter from the District for consideration for submission. Manager Bradley updated the Board that he spoke with DNR field staff at a recent DNR meeting event and he identified to this DNR field staff that their process needs to be more efficient.
Manager Bradley also welcomed the DNR Field staff to attend a future Board workshop to discuss any project issues with the Board. The Board did not propose any changes to the draft letter to the DNR.

**Discussion on Stakeholder Participation Plan for the Watershed Management Plan**
Administrator Belfiori reviewed the proposed participation process for the Board and Advisory Committees for developing the WMP update. Administrator Belfiori reviewed the recommended Board’s role and expectation and that the draft participation plan identifies that that Board members will provide comment on WMP materials to Administrator Belfiori and Project Manager Kyle Axtell two business days prior to a scheduled WMP workshop if unable to attend the workshop, consistent with the Board’s previous discussions. Manager Bradley requested to receive draft materials in an electronic format for a more efficient review Water Resource Specialist Axtell discussed the Board will receive one set of comments from the Advisory Committees on what they agreed on as a group, rather than individual committee members’ input, for Board consideration at a workshop. The Board reiterated the importance of receiving unified comments from the Advisory Committees and agreed with Staff’s direction.

**Discussion on MAWD Resolution Communication Plan**
Administrator Belfiori reviewed the Board approved resolution that was submitted to MAWD and then recommended sending a letter to the City of Blaine, Hugo and Washington and Anoka County now given they are all in the middle of putting together their 2019 legislative agendas. Staff also recommended to be in coordination with MAWD to augment MAWD’s communication efforts if requested. The Board agreed to sending a letter to the four partners. Manager Bradley requested more information and clarification on the proposed bill H.F.2687 before the next workshop. Attorney Kolb explained the current legislation is working to remove ambiguity on public drainage system repair and DNR public waters and inquired if the Board would like more information on the legislation at this workshop or at the next workshop. The Board agreed they would like to receive more information on the bill at the next workshop.
Addition to Agenda: PRAP Communication Update
Communications and Outreach Coordinator Beth Carreño updated the Board on the District’s intention to send an electronic update to legislators on the District’s PRAP results and planning efforts. Communications and Outreach Coordinator Carreño informed the Board a draft of the electronic update will be provided at the 11/14 Board meeting and emailed to the Board prior to emailing the legislators. The Board agreed to Communication and Outreach Coordinator Carreño’s plan.

Discussion on Proposed 2019 Calendar and December CAC Meeting
Administrator Belfiori reviewed the proposed 2019 calendar additions of a December 5th, 2018 CAC meeting and a January 23, 2019 CAC meeting, and a revision of the January 2019 CAC meeting from January 2nd to January 9th. Staff asked the Board if the calendar changes are acceptable and if a Board member should cover the January 23rd CAC meeting. The Board agreed that a Board member is not needed at the January 23rd meeting. Manager Bradley mentioned he is still able to cover the revised CAC meeting of January 9th. Manager Bradley and Manager Haake decided to switch their coverage of the CAC meetings in May and June.

Discussion/Update on Electronic Meeting Participation by Managers
Administrator Belfiori reviewed the open meeting law materials in the packet with the Board. District Attorney Chuck Holtman provided the Board a background of the open meeting law and previous court cases. Attorney Holtman advised that a current Minnesota Department of Administration advisory opinion allows an absent manager located outside of District boundaries to participate in a meeting by interactive television if that manager is in a location open to the public. This is in apparent contradiction to a 1967 decision by the Minnesota Supreme Court but if the Board acts in accordance with the advisory opinion, managers are not subject to sanction if a court finds that the Open Meeting Law has been violated. In January, the Board decided it would not consider using interactive television for this purpose until the matter is clarified by legislation. A MAWD resolution for this purpose is in effect, but MAWD has reported that after consultation, it prefers that a watershed district proceed via another request for advisory opinion rather than pursuing legislation. Informally, the Department of Administration has communicated its rationale for distinguishing the 1967 case, and has indicated it would entertain a request for advisory opinion for that purpose. Therefore, the question for the Board is whether it would like to proceed with a request for a further advisory opinion from the Department of Administration to provide clarity and a stronger foundation to implement interactive television. Staff recommended that if the Board wishes to proceed with interactive television, it should consider an investment in technology, develop a policy on electronic meeting participation, and adopt this policy and a budget for the necessary technology. The Board agreed to send an advisory opinion request to the Department of Administration. Manager Waller inquired if letters from support from other watershed districts should be provided to the Department of Administration simultaneously with the District’s letter. Attorney Holtman suggested that the District does not need to demonstrate that there is a broader constituency interested in this topic; it should not affect the Department of Administration’s decision. Administrator Belfiori said a draft letter to the Department of Administration will be provided at the 11/14 meeting for Board consideration.

Discussion on Minnesota Commercial Railway Letter of Support for MNDOT Grant
Administrator Belfiori reviewed the Minnesota Commercial Railway’s request for a letter of support from the District; the Railway would like a letter from the District supporting its application for a MNDOT grant with indication that the Railway has met the District’s permit conditions. Administrator Belfiori
presented the draft letter of support for the Board’s consideration. The Board did not propose any
changes to the draft letter.

**Permit Program Updates/Discussion: Permit Applications and Contamination**

Permit Coordinator/Wetland Specialist Nick Tomczik provided a presentation to the Board on the
District’s current regulatory program as concerns contamination. In response to the Board’s September
24 workshop direction, Permit Coordinator/Wetland Specialist Tomczik presented for the Board’s review
a potential permit stipulation that would require permit holders to provide to the District any
communications received from the Minnesota Pollution Control Agency or Department of Health in
response to the permittee’s communication to those agencies as required by the District’s standard
CAPROC condition. Manager Haake stated she would like the District to take an active role to ensure the
proper steps are taken. President Preiner inquired if the District would be duplicating efforts and if
permits would take longer with the proposed permit stipulation. Permit Coordinator/Wetland Specialist
Tomczik responded the intent here is to help close communication on projects the District is reviewing.
The District’s approach is to ensure that the agencies with jurisdiction on contamination matters are
made aware of the intended site development but not to duplicate the work of those agencies,
particularly since contaminated site evaluation and management isn’t within the District’s current
programming, and involves expertise that the District doesn’t currently possess and resources that it
hasn’t budgeted for. Manager Bradley indicated the District would want to know if a state agency
expresses significant concern about a property with contamination. Manager Bradley suggested striking
the proposed stipulation language of the District receiving communication “for District’s informational
purposes” to ensure the District has flexibility to act if necessary. Attorney Holtman responded, advising
that the clause was included so that the text isn’t read by others as a District commitment to involve
itself further, but that it doesn’t prevent the Board from deciding to undertake actions in a particular
case. The Board discussed at length the implications of if a state agency were to state that
contamination on a property is a significant issue. Attorney Holtman explained the District is not
currently asserting authority with soil and groundwater contamination, which is a Board decision to not
include in the District’s programs; the proposed stipulation language is to not limit the District but make
the District’s role clear on record.

Manager Waller reminded the Board that the District not only has concerned citizens regarding
contamination, but the CAC also requested language in the WMP update on the TCAAP groundwater
plume. Permit Coordinator/Wetland Specialist Tomczik discussed that the current District’s rules and
programs are limited in the District’s involvement in contamination issues and asked if the Board is
intending to expand its programs. Administrator Belfiori asked the Board to consider any program
expansions through the WMP strategic direction process or future rule update process. Manager Haake
voiced concern over the District’s current role in contamination and stated she would like to see more
involvement. The Board discussed at length the nature and level of involvement the District should have
regarding contamination. Staff affirmed that the language and protocol as proposed would provide for
information to get into the hands of the proper state agencies, that the District would be in the loop for
any response communication for its own informational and general program purposes, and that the
District would not otherwise retain any role, regulatory or otherwise, with respect to site contamination.
On this basis, three managers supported the proposed additional stipulation for a majority consensus.

**Permit Program Updates/discussion: Permits for Single-family Residential Construction**

Permit Coordinator/Wetland Specialist Tomczik discussed the District’s stormwater permit exemption
for single-family home construction of Rule C 2b. The District’s current rule exempts “single-family
residential construction on an individual lot of record”; the SONAR indicates that the intent is to encompass a residence and related accessory residential structures. The staff administration to date distinguishes business from residential use on a residential parcel, although this can be challenging to discern, for example with respect to large pole barns. Manager Bradley suggested amending the rule to exempt single-family home construction that it does not exceed 10,000 square feet. The managers generally agreed that the exception should not be used to exempt a large area of hard surface that could have a runoff impact, and concurred that this issue should be on the list when potential rule revisions are discussed following the watershed plan revision. The Board agreed Staff should continue its current administration and interpretation of the rule.

**Discussion on Draft Policy Related to Public Communication by Managers**

President Preiner explained this agenda item is a result of discussion from the previous Board meeting. Manager Bradley suggested revising the second-to-last sentence of the last paragraph to “all managers shall be copied on this communication” for additional transparency. Attorney Holtman informed the Board that the policy can be adopted and added to the Board’s policy book, by resolution or by motion at the 11/14 Board meeting.

The workshop was adjourned at 4:25 pm.